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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,368	03/13/2001	Kevin J. Dowling	C01104/70015	1552

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EXAMINER

VU, DAVID HUNG

ART UNIT	PAPER NUMBER
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2828

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 9,93,99,109,121,122 and the claims dependent thereon in the reply filed on 08/29/2005 is acknowledged.
2. Newly amended claims 99, 122 and the claims dependent thereon are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: claims are directed to LED system with the combination of different spectra of radiation to produce at least one perceivable color of light.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 9, 122 and the claims dependent thereon are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

3. Claims 76, 116 and the claims dependent thereon are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected specie, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 08/29/2005.
4. In summary, claims 9, 93, 109, 121 and the claims dependent thereon are now being examined on the merit.

Drawings

5. The drawings were received on 05/26/2005. These drawings are acceptable.

Specification

1. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

2. Claim 50 is objected to because of the following informalities:

Claim 50, "...of claim of..." should be corrected.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 112 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 112 is reciting as dependent on claim 109; however, claim 109 does not recite the parameter changing of the program. Thus, the claim is indefinite as lacking the strict antecedent basis.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9, 13, 16-25, 43-45, 50-51, 72-73, 109-110, 112-115, and 121 are rejected under 35 U.S.C. 102(e) as being anticipated by Chliwnyj et al., U.S. Pat No 5,924,784 in view of Post et al, U.S. Pat No 5,187,655.

Chliwnyj et al. essentially disclose the claimed invention including LEDs 7a-7e producing at least two different spectra; a processor (microprocessor) 1 having a memory; a controller 19 wherein the controller controls power delivered to at least one of the two or more LEDs; the controller responsive to signals communicated from the processor; and a housing with light-transmissive material 30, 61, 38, 55, 53 wherein the LEDs are arranged so as to pass radiation through the material, figures 2-7 and 9, columns 4-7, 11-12, 13-14. Chliwnyj et al do not explicitly disclose a user interface supplies a logic high or low signal to the processor. Post et al disclose user interface, i.e., encoder 17, 51 (figures 1-2, column 6, lines 16-26, column 8, lines 15-18). An obvious modification would have provided the Chliwnyj et al reference with the encoder as taught by Post et al. It would have been obvious to one having ordinary skill in the art at the time of applicant's claimed invention was made to have employed the user interface (encoder) as taught by Post et al as it would have initiated the processor into selecting a program from the memory as well as changing a program and program parameter upon receipt of the encoder signal.

Regarding claims 16-17, figure 3 of the Chliwnyj et al reference shows housing for enclosing the claimed elements. The user interface and light transmissive material

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are integrated with the housing. Figure 4 of the Chliwnyj et al reference shows first housing 27 and second housing 30.

Regarding claim 18, housing 30 is formed of transparent material.

Regarding claim 19, controller 19 can be a combination of more than one pulse width modulator.

Regarding claims 21-22, figure 1 of the Post et al reference shows button 9.

Regarding claims 23, decoder circuit 53 converts analog signal to digital signal and provides the digital signal to the processor.

Regarding claims 43-45, Post et al disclose LCD 55 coupled to a processor as claimed.

Regarding claims 50-51, figures 1-2 of the Post et al reference shows "user interface", i.e., push-button 9, encoders 17,51 for communicating with the processor at least through wire transmission.

Regarding claim 73, figure 2 of the Post et al reference shows receiver 47 for receiving at least one of an electromagnetic transmission, radio frequency transmission, microwave transmission, wire transmission, and cable transmission.

The claimed method is inherent in the Chliwnyj et al. and Post et al combination.

Allowable Subject Matter

4. Claims 14-15, 74, and 111 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
9. Claims 93-98 are allowed.

Response to Arguments

10. Applicant's arguments with respect to claims 9, 13, 16-25, 43-45, 50-51, 72-73, 109-110, 112-115, and 121 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Vu whose telephone number is (571) 272-1831. The examiner can normally be reached on M-F 8am-430pm.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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A handwritten signature in black ink, appearing to read 'David Vu', with a long horizontal flourish extending to the right.

David Vu
Primary Examiner
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dv